

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Applicants:

**DAVID W. HERBAGE, ET AL**

Filed: **January 23, 2004**

Serial No. **10/763,789**

For: **Stacked Pellet Flare Assembly and  
Methods of Making and Using  
the Same**

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Confirmation No.: **7920**

Art Unit: **3641**

Examiner: **Lee, Benjamin P.**

Attorney Docket No.: **A310429.2US**

**AMENDMENT**

Mail Stop Amendment  
Commissioner of Patents  
P.O. Box 1450  
Washington, D.C. 22313-1450

Dear Sir:

Applicants acknowledge receipt of the Office Action issued in the above referenced application on December 24, 2008.

Applicants appreciate the thorough review of the subject of the invention and the thorough assessment of the prior art. The following claims are currently allowed: Claims 43 through 52. Applicants have made a minor amendment to the preamble of Claim 43 which adds no new matter. Applicants have canceled claims 1 through 6, 8, 9, 11 through 16, 18 and 19 which were rejected. Applicants respectfully submit that all pending claims are currently allowed and solicit a notice of allowance.

Please refer to the Amendments to the Claims beginning on page 2 and the Remarks beginning on page 4.